

JAP:TJS

M 11-457

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

KERROL FLORIZEL BAILEY,
also known as
"Tony Orlando Smith,"

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF AN
APPLICATION FOR
ARREST WARRANT

(18 U.S.C. § 1542)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MARIO MONTOYA, being duly sworn, deposes and says that he is a Special Agent with the Department of State, Diplomatic Security Service ("DSS"), duly appointed according to law and acting as such.

On or about September 8, 2010, within the Eastern District of New York, the defendant, KERROL FLORIZEL BAILEY, also known as "Tony Orlando Smith," did willfully and knowingly make a false statement in an application for a passport with intent to induce and secure the issuance of a passport under the authority of the United States, for his own use, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws.

(Title 18, United States Code, Section 1542).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Special Agent with DSS and have been so for one year. I am familiar with the facts and circumstances set forth below from my personal involvement in the investigation, my review of the investigative file and from reports of other law enforcement officers involved in the investigation.

2. On or about September 8, 2010 the defendant KERROL FLORIZEL BAILEY, also known as "Tony Orlando Smith," applied for a United States Passport. On the application, form DS-11, the defendant provided a name of another person as his own and also submitted that person's social security number, date of birth and place of birth as his own. Specifically, the defendant stated that his name was Tony Orlando Smith and his place of birth was Charlotte-Amalie, Virgin Islands. He also included the social security number and birth date of the true Tony Orlando Smith.

3. The defendant filled out and submitted the application at the United States Post Office in Springfield Gardens, Queens, New York using the above mentioned information.

4. During the course of verifying the information

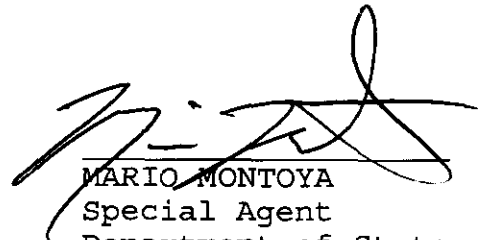
^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am aware.

provided by the defendant KERROL FLORIZEL BAILEY, a United States Department of State fraud prevention manager reviewed the defendant's passport application and found that it included a number of fraud indicators. For instance, the application included foreign characteristics in the handwriting, a labored signature, payment of an expedite fee, and no travel plans. In addition, the defendant's Virgin Islands license, which was provided at the time he applied for the passport, appeared suspect. The case was then referred to DSS for additional investigation.

5. Thereafter, I began an investigation into the defendant KERROL FLORIZEL BAILEY. My investigation revealed that the defendant provided false information on form DS-11. Specifically, I performed database checks using the name, date of birth and social security that the defendant provided on the passport application. The database checks revealed multiple simultaneous address listings for individuals using those personal characteristics. A criminal history check revealed arrests for Tony Orlando Smith starting in May 2009. I compared arrest photographs connected to Tony Orlando Smith and determined that those photographs depicted a different person than the photograph submitted by the that the defendant in connection with his passport application. The criminal history check also showed that an individual named KERROL FLORIZEL BAILEY had been arrested

in Maryland on October 20, 2010 for possessing with intent to distribute marijuana and had used "Tony Orlando Smith" as an alias. A comparison of the arrest photograph indicated that he was the same individual whose picture was provided by the defendant in connection with his passport application. KERROL FLORIZEL BAILEY is currently incarcerated in Hagerstown, Maryland.

WHEREFORE, your deponent respectfully requests that the defendant KERROL FLORIZEL BAILEY, also known as "Tony Orlando Smith," be dealt with according to law.



MARIO MONTOYA
Special Agent
Department of State

Sworn to before me this
2nd day of May, 2011
